

1 PHILLIP A. TALBERT
2 Acting United States Attorney
3 SHELLEY D. WEGER
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700
8 Facsimile: (916) 554-2900

9
10
11 Attorneys for Plaintiff
12 United States of America

13
14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA, Plaintiff,
18 v.
19 CYNTHIA SEELEY, Defendant.

20 CASE NO. 2:20-CR-00202 WBS
21 STIPULATION REGARDING EXCLUDABLE
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;
23 FINDINGS AND ORDER
24 DATE: October 4, 2021
25 TIME: 9:00 a.m.
26 COURT: Hon. William B. Shubb

27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on October 4, 2021.
32 2. By this stipulation, defendant now moves to continue the status conference until
33 November 15, 2021 at 9:00 a.m., and to exclude time between October 4, 2021, and November 15, 2021,
34 under Local Code T4.

35 3. The parties agree and stipulate, and request that the Court find the following:
36 a) The government has represented that the discovery associated with this case
37 includes investigative reports, materials obtained via subpoena, email correspondence, and
38 related documents in electronic form including approximately 737 pages of documents as well as
39 an audio recording. The discovery has been either produced directly to counsel and/or made

1 available for inspection and copying.

2 b) Defense counsel has been engaged in ongoing defense investigation but requires
3 additional time, as well as additional time to discuss the evidence and potential resolutions with
4 his client, and to otherwise prepare for trial.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him the reasonable time necessary for effective preparation, taking into
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of October 4, 2021 to November 15,
14 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendant in a speedy trial.

18 THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5
6 Dated: September 29, 2021

PHILLIP A. TALBERT
Acting United States Attorney

7
8 _____
9 /s/ SHELLEY D. WEGER
SHELLEY D. WEGER
10 Assistant United States Attorney

11 Dated: September 29, 2021

12 _____
13 /s/ TIMOTHY ZINDEL by Shelley
14 Weger as authorized on 9/29/21
15 _____
16 TIMOTHY ZINDEL
17 Counsel for Defendant
18 CYNTHIA SEELEY

15 **FINDINGS AND ORDER**

16 IT IS SO FOUND AND ORDERED.

17 Dated: September 30, 2021

18 
19 _____
20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE